



# Child Welfare Information Gateway

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STATE  
STATUTES  
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*Current Through  
March 2005*

## Mandatory Reporters of Child Abuse and Neglect

### Duty to Report

All States, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. territories of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands have statutes identifying mandatory reporters of child maltreatment. A mandatory reporter is a person who is required by law to make a report of child maltreatment under specific circumstances. Approximately 48 States, the District of Columbia, Puerto Rico, and the territories have designated individuals, typically by professional group, who are mandated by law to

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To find statute information for a particular State, go to [www.childwelfare.gov/systemwide/laws\\_policies/search/index.cfm](http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm)

To find information on all the States and territories, order a copy of the full-length PDF by calling 800.394.3366 or 703.385.7565, or download it at [www.childwelfare.gov/systemwide/laws\\_policies/statutes/mandaall.pdf](http://www.childwelfare.gov/systemwide/laws_policies/statutes/mandaall.pdf)

U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Children, Youth and Families  
Children's Bureau



**Child Welfare Information Gateway**  
Children's Bureau/ACYF  
1250 Maryland Avenue, SW  
Eighth Floor  
Washington, DC 20024  
703.385.7565 or 800.394.3366  
Email: [info@childwelfare.gov](mailto:info@childwelfare.gov)  
[www.childwelfare.gov](http://www.childwelfare.gov)

report child maltreatment.<sup>1</sup> Individuals typically designated as mandatory reporters have frequent contact with children. Such individuals may include:

- Social workers
- School personnel
- Health care workers
- Mental health professionals
- Childcare providers
- Medical examiners or coroners
- Law enforcement officers

Some other professions frequently mandated across the States include commercial film or photograph processors (in 11 States and 2 territories), substance abuse counselors (in 13 States), and probation or parole officers (in 13 States).<sup>2</sup> Six States (Alaska, Arizona, Arkansas, Connecticut, Illinois, and South Dakota) include domestic violence workers on the list of mandated reporters. Members of the clergy now are required to report in 25 States.<sup>3</sup>

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<sup>1</sup> The word *approximately* is used to stress the fact that the States frequently amend their laws, so this information is current only through March 2005. At that time, New Jersey and Wyoming were the only two States that did not enumerate specific professional groups as mandated reporters but simply required all persons to report.

<sup>2</sup> Film processors are mandated reporters in Alaska, California, Colorado, Georgia, Illinois, Iowa, Louisiana, Maine, Missouri, Oklahoma, South Carolina, Guam, and Puerto Rico; substance abuse counselors are required to report in Alaska, Connecticut, Illinois, Iowa, Kansas, Massachusetts, Nevada, New York, North Dakota, Oregon, South Carolina, South Dakota, and Wisconsin; probation or parole officers are mandated reporters in Arkansas, California, Connecticut, Hawaii, Illinois, Louisiana, Massachusetts, Missouri, Nevada, South Dakota, Vermont, Virginia, and Washington.

<sup>3</sup> Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Pennsylvania, South Carolina, Vermont, West Virginia, and Wisconsin.

## Reporting by Other Persons

Approximately 18 States and Puerto Rico require all citizens to report suspected abuse or neglect, regardless of profession.<sup>4</sup> In all other States, territories, and the District of Columbia, any person is *permitted* to report. These voluntary reporters of abuse are often referred to as “permissive reporters.”

## Standards for Making a Report

The standards used to determine under what circumstances a mandatory reporter should make a report vary from State to State. Typically, a report must be made when the reporter, in his or her official capacity, *suspects* or *has reasons to believe* that a child has been abused or neglected. Another standard frequently used is when the reporter has knowledge of, or observes a child being subjected to, conditions that would reasonably result in harm to the child. Permissive reporters follow the same standards when electing to make a report.

## Privileged Communications

Mandatory reporting statutes also may specify when a communication is privileged. “Privileged communications” is the statutory recognition of the right to maintain the confidentiality of communications between professionals and their clients or patients. To enable States to provide protection to maltreated children, the reporting laws in most States and territories restrict this privilege for mandated reporters. All but 5 States and Puerto Rico currently address the issue of privilege within their reporting laws, either affirming the privilege or denying it, that is, not allowing privilege to be a reason for failing to report.<sup>5</sup> The physician-patient and husband-wife privileges are most commonly denied by States. The attorney-client privilege is most commonly recognized. The clergy-penitent privilege is also widely recognized, although that privilege is usually limited

<sup>4</sup> Delaware, Florida, Idaho, Indiana, Kentucky, Maryland, Mississippi, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Utah, and Wyoming.

<sup>5</sup> Connecticut, Kansas, Mississippi, New Jersey, and New York do not currently address the issue of privileged communications within their reporting laws. The issue of privilege may be addressed elsewhere in the statutes of these States, such as rules of evidence.

## Inclusion of the Reporter's Name in the Report

to confessional communications and, in some States, is denied altogether.<sup>6</sup>

Most States maintain toll-free telephone numbers for receiving reports of abuse or neglect.<sup>7</sup> Reports may be made anonymously to most of these reporting numbers, but States find it helpful to their investigations to know the identity of reporters. Approximately 16 States, the District of Columbia, American Samoa, Guam, and the Virgin Islands currently require mandatory reporters to provide their names and contact information, either at the time of the initial oral report or as part of the written report.<sup>8</sup> The laws in Connecticut, Delaware, and Washington allow child protection workers to request the name of the reporter. In Wyoming, the reporter does not have to provide his or her identity as part of the written report, but if the person takes and submits photographs or x-rays of the child, his or her name must then be provided.

## Disclosure of the Reporter's Identity

All jurisdictions have provisions in statute to maintain the confidentiality of abuse and neglect records. The identity of the reporter is specifically protected from disclosure to the alleged perpetrator in 39 States, the District of Columbia, Puerto Rico, and the territories of American Samoa, Guam, and the Northern Mariana Islands.<sup>9</sup> This protection is maintained even when other information from the report is being disclosed.

Release of the reporter's identity can be allowed in some jurisdictions under specific circumstances or to specific departments or officials. For example, disclosure of the reporter's identity can

<sup>6</sup> New Hampshire, North Carolina, Oklahoma, Rhode Island, Texas, and West Virginia disallow the use of the clergy-penitent privilege as grounds for failing to report suspected child abuse or neglect. For a more complete discussion of the requirement for clergy to report child abuse and neglect, see the Information Gateway publication *Clergy as Mandatory Reporters of Child Abuse and Neglect* at [www.childwelfare.gov/systemwide/laws\\_policies/statutes/clergymandated.cfm](http://www.childwelfare.gov/systemwide/laws_policies/statutes/clergymandated.cfm).

<sup>7</sup> For State-specific information about these telephone hotlines, see the Information Gateway website for Child Abuse Reporting Numbers at [www.childwelfare.gov/pubs/reslist/rl\\_dsp.cfm?rs\\_id=5&rate\\_chno=11-11172](http://www.childwelfare.gov/pubs/reslist/rl_dsp.cfm?rs_id=5&rate_chno=11-11172).

<sup>8</sup> California, Colorado, Florida, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Minnesota, Missouri, Nebraska, New York, North Carolina, Pennsylvania, and Vermont have this requirement.

<sup>9</sup> The statutes in Alaska, Arizona, Delaware, Idaho, Maryland, Massachusetts, New Hampshire, Rhode Island, Virginia, West Virginia, Wyoming, and the Virgin Islands do not specifically protect reporter identity but do provide for confidentiality of records in general.

be ordered by the court when there is a compelling reason to disclose (in California, Mississippi, Oklahoma, Tennessee, and Guam), or upon a finding that the reporter knowingly made a false report (in Alabama, Arkansas, Connecticut, Kentucky, Louisiana, Minnesota, South Dakota, and Vermont). In some jurisdictions (California, Florida, Minnesota, Vermont, the District of Columbia, and Guam), the reporter can waive confidentiality and give consent to the release of his or her name.